

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13224 of Buchanan Street Limited Partnership, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) to construct semi-detached dwellings in an R-2 District at the premises 4705-4719 and 4736-46 - 6th Place, N.E., (Square 3796, Lots 75-82, 63-67 and 87).

HEARING DATES: April 23 and June 11, 1980
DECISION DATE: July 2, 1980

FINDINGS OF FACT:

1. The subject site is located east of the Metrorail line between 6th and 7th Streets, N.E., north of Buchanan Street, and is known as premises 4705-4719 and 4736-46 - 6th Place, N.E. It is in an R-2 District.

2. North and east of the site are single family semi-detached homes which reflect the underlying R-2 zoning. To the south is the Stanley-Martin development which was approved to be developed with a variety of housing types, BZA Case No. 11631, but is currently being built with semi-detached units. The zoning for the Stanley-Martin tract of land is R-5-A while the subject property is zoned R-2.

3. The subject application is a request for rear yard variances for fourteen semi-detached structures which are in various stages of completion. This application is one of the two applications before the BZA of the same applicant related to the same development known as the Buchanan Mews. The other application, BZA No. 13206, is for five lots and requires parking space and rear yard variances.

4. The R-2 District requires a minimum rear yard of twenty feet with a minimum lot area of 3,000 square feet.

5. There is a ten foot building restriction line at the front of each of the lots for which a rear yard variance is requested.

6. The plans for this project were submitted and approved by the Zoning Administrator in June of 1979. At that time all of the dwellings on the lots met the rear yard requirements.

7. Wall checks which were done in January of 1980 revealed that the rear walls of the fourteen dwellings encroached into the required rear yards. The degree of encroachment varies from approximately 0.13 feet to 0.98 feet.

8. The applicant stated that the engineering firm which surveyed the property re-sited the proposed buildings further to the rear of the lots in order to move the houses further away from the building restriction line at the front of the lots. In so doing, the encroachments on the rear yard were inadvertantly made.

9. The Office of Planning and Development, by report dated June 9, 1980, recommended that the application be approved. The OPD noted that the proposed development is designed very tightly in accordance with the minimum requirements of the R-2 District. Lot areas vary from a maximum 3,017 square feet to a minimum of 3,000 square feet, the minimum required in the R-2 District. The OPD noted further that the encroachment into the rear yards varies from approximately 1/2 inch to just over 11 inches or between 0.65% and 4.90%. The OPD did not believe, due to the topography, that such a situation would cause adverse impacts upon the potential buyers of these properties of substantially reduce the outdoor recreational space for family purposes. In addition, it would not appear in the long run, economically practical to require that the rear walls and foundations of the offending dwellings be rebuilt in conformity with the rear yard requirements of the R-2 District. The costs of such a solution would undoubtedly be passed on to the consumer without substantial benefit or improvement. It was OPD's opinion that, weighing the cost and benefit factors for the public good, the requested variances could be granted without impairing the intent, purpose and integrity of the Zoning Regulations. The Board so finds.

10. There was opposition to the application at the public hearing on the part of the North Michigan Park Civic Association on the grounds that the applicant had never conferred with neighborhood associations as to its plans. Such objection is not addressed to the merits of whether the application meets the requirements of Paragraph 8207.11.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking area variances the granting of which requires a showing of a practical difficulty in the property itself. The Board concludes that the variances from the rear yard requirements ranging from one half inch to eleven inches are minimal. Requiring the applicant to reconstruct the foundations to achieve the required rear yard would create a practical difficulty for

the developer without achieving any significant public benefit. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0 (Connie Fortune, Ruby B. McZier, Charles R. Norris, William F. McIntosh and Leonard L. McCants to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 25 AUG 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.